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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,946	07/07/2003	Norbert Fassler	P68969US0	6640

7590

03/02/2006

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EXAMINER
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PICO, ERIC E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,946	<b>Applicant(s)</b> FASSLER, NORBERT	
	<b>Examiner</b> Eric Pico	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 5, 23 and 24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16, 19-21, 25, and 26 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Regarding claim 9**, it is indefinite what position "in place" refers to.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 1-4, 6-13, 15, and 19-21 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Behringer U.S. Patent No. 5738017.

6. **Regarding claim 1**, Kritzer discloses a device for storing vehicles, the device comprising platforms, referred to as lifting carriage 7, the platforms 7 being guided on guides, referred to as upright columns or posts 5, and the platforms 7 being traversable

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over a path traverse to the platforms 7, means for moving the platforms 7 along the traverse path and the platforms 7 being secured against undesired movement by safety means for preventing movement, referred to as safety lock device 1, of the platforms 7, the safety means 1 including a locking unit, referred to as ratchet lock mechanism 40, and a locking element, referred to as ratchet track 45, the locking unit 40 being freely rotatable and supported in such a way that a center of gravity of the locking unit 40 is located off-center.

7. Kritzer is silent concerning the locking unit is in continuous active connection with the locking element by gravity.

8. Behringer teaches a locking unit, referred to as a locking latch 16, being freely rotatable and supported in such a way that a center gravity of the locking unit 16 is located off center, so that the locking unit 16 is in continuous active connection with a locking element, referred to as rack 18, by gravity as long as there is no power acting against gravity applied to the locking unit 16.

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the locking unit disclosed by Kritzer in continuous active connection with the locking element by gravity as taught by Behringer to facilitate a simple connection between the locking unit and the locking element.

10. **Regarding claim 2**, Kritzer further discloses the safety means 1 secure the platforms 7 against undesired downward movement.

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11. **Regarding claim 3**, Kritzer further discloses the safety means 1 is arranged along the traverse path of the platforms 7 against the guides 5 to interrupt the movement of the platforms 7.

12. **Regarding claim 4**, Kritzer further discloses the locking unit 40 is arranged on the platforms 7 and the locking element 45 is arranged on at least one of the guides 5.

13. **Regarding claim 6**, Kritzer further discloses the locking element 45 includes a gear rack.

14. **Regarding claim 7**, Kritzer further discloses a notch, referred to as pawl 47, is provided as the locking unit 40.

15. **Regarding claim 8**, Kritzer further discloses a side of the notch 47 facing the locking element 56 has a tooth, shown in Figures 2, 4, and 5, designed to positively engage and interlock into each indentation of the gear rack along the traverse path of the platforms 7.

16. **Regarding claim 9**, Kritzer further discloses the locking unit 40 is held in place by a power element, referred to as spring 51 as well as the force of gravity acting between pawl 47 and safety lock blocks 43, embracing an opening element, referred to as release bar 53, acting against an effective direction of the power element, and which is activated only when the platforms are moved along the guides 5.

17. **Regarding claim 10**, Kritzer further discloses the locking unit 40 includes an opening element 53.

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18. **Regarding claim 11**, Kritzer further discloses the means for moving co-operate with the opening element 53 in such a way that the actuating of the opening element 53 embraced by the locking unit 40, is blocked, due to fail-safe mechanism 41.

19. **Regarding claim 12**, Kritzer further discloses the locking unit 40 is in continuous active connection with the locking element 45 and has an opening element 53 for opening the active connection.

20. **Regarding claim 13**, Kritzer further discloses power which is effective against the power element is brought in by a cable 61 into the locking unit 40.

21. **Regarding claim 15**, Kritzer further discloses the opening element 53 acts through a cable 61 on the locking unit 40 and to remove the active connection with the locking element 45.

22. **Regarding claim 19**, Kritzer further discloses a cable, referred to as lifting chain 9, runs along the traverse path of the platforms 7 over deflection or deflection rollers, referred to as sprocket 37.

23. **Regarding claim 20**, Kritzer further discloses an actuating element 61 is provided for actuating the opening element 53 arranged in such a way that an operator actuates the actuating element 61.

24. **Regarding claim 21**, Kritzer further discloses the locking unit 40 releases the platforms 7 only when the actuating element 61 is actuated.

25. Claim(s) 14 and 16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Behringer U.S. Patent No. 5738017 as applied to claim 1 and 12 above, and further in view of Fitzroy U.S. Patent No. 289905.

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26. **Regarding claim 14**, Kritzer discloses the locking unit 40 is arranged rotatably on the platforms 7 and the opening element is formed by a cable 61.

27. Kritzer is silent concerning the opening element is formed by a cable over deflection rollers.

28. Fitzroy teaches a locking unit, referred to as lever E, is arranged rotatable on a platform, referred to as bottom of the elevator car A, and the opening element is formed by a cable, referred to as link chains H, guided over deflection rollers, referred to as sheaves a, b, c.

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an opening element formed by a cable disclosed by Kritzer over deflection rollers as taught by Fitzroy to guide the cable.

30. **Regarding claim 16**, Kritzer is silent concerning the locking unit including two deflection rollers for guiding a cable in a shape of an "S".

31. Fitzroy teaches a locking unit E including two deflection rollers b, c for guiding a cable H in a shape of an "S".

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to include two deflection rollers for guiding a cable in a shape of an "S" as taught by Fitzroy to the locking unit disclosed by Kritzer to guide a cable to a desired location.

33. Claim(s) 25 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Behringer U.S. Patent No. 5738017 as applied to claim 1 above, and further in view of Green U.S. Patent No. 5967443.

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34. **Regarding claim 25**, Kritzer is silent concerning a centrifugal break.

35. Green teaches the use of a centrifugal brake to achieve a steady and often readily determinable, speed of rotation, or to limit the speed of rotation below a level that is considered to be safe in the relevant circumstances.

36. It would have been obvious to one of the ordinary skill in the art to include a centrifugal brake as taught by Green to the locking unit disclosed by Kritzer to facilitate safety incase the platform deviates from the normal traverse speed.

37. Claim(s) 26 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Behringer U.S. Patent No. 5738017 as applied to claim 1 above, and further in view of Fang et al. GB Publication No. 2285035.

38. **Regarding claim 26**, Kritzer is silent concerning the safety means being brought into active connection by magnetic forces.

39. Fang et al. teaches a safety means being brought into active connection by magnetic forces, provided by a solenoid.

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to bring the safety means disclosed by Kritzer into active connection by magnetic forces as taught by Fang et al. to facilitate the connection of the safety means.

#### ***Allowable Subject Matter***

41. Claim 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



42. Claims 17 and 18 allowed.

### ***Response to Arguments***

43. Applicant's arguments with respect to claims 1-26 have been and are persuasive. The newly applied reference to Behringer is provided to teach the "active connection" by gravity set forth in claim 1.

### ***Conclusion***

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ganser U.S. Patent No. 5018925.

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**